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09/150,010	09/09/1998	TORU MATAMA	1110-0202P	5773

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT PAPER NUMBER

2612

DATE MAILED: 07/07/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

17

**Office Action Summary**

Application No.

09/150,010

Applicant(s)

MATAMA, TORU

Examiner

LUONG T NGUYEN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-17 filed on 4/15/2004 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 12, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bush et al. (GB 2299478).

Regarding claim 1, Bush et al. disclose an image processing apparatus comprising means for receiving image data from a source of image data supply (imaging device 1, figure 3, page 5, lines 13-18); image processing means for performing necessary image processing on the received image data to produce output image data (signal processing unit 2, figure 3, page 5, lines 13-18); display means for displaying an image carried by the image data supplied from said source of image data supply (display device 5, figure 3, page 5, lines 19-24); designating means for designating at least one principle part of the image displayed (control panel 7, figure 3, page 5,

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lines 13-18); setting means for setting image processing conditions primarily in accordance with information about said at least one principal part of the image designated by said designating means (control and computation unit 25, once an area has been selected, the control and computation unit 25 may establish the brightness and colour temperature of the light source, and on the basis of the colouring and brightness of the selected areas of the image on the display device, the operator may adjust the image as required (figures 3-4, page 8, line 15 - page 9, line 8); wherein said image processing means performs said necessary image processing under said image processing conditions set by said setting means (figures 3-4, page 6, line 8 – page 7, line 6).

Regarding claim 2, Bush et al. disclose a mouse or a keyboard (a mouse, page 5, lines 15-18).

Regarding claim 12, Bush et al. discloses wherein said display means is of a type that also displays said at least one principal part designated by said designating means (the control panel 7 is used to identify and select areas of concern on the display device 5, figure 3, page 7, line 27 – page 8, line 6) which further includes modifying means that modifies said at least one principal part displayed by said display means (on the basis of the colouring and the brightness of the selected areas of the image on the display device, the operator may adjust the image as required, page 8 line 25 – page 9, line 8).

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Regarding claim 17, Bush et al. disclose wherein said image processing means performs at least one of image processing selected from the group consisting of sharpness enhancement, dodging, contrast correction and color modification as necessary image processing (brightness and colour temperature, page 8, lines 15-20).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-5, 7, 9, 13, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. (GB 2299478) in view of Ejima (US 6,188,432).

Regarding claim 3, Bush et al. fail to specifically disclose a light pen and said display means is a display for inputting with said light pen. However, Ejima discloses an information processing apparatus which includes a light pen 46 and touch tablet 6A (figure 4, column 4, lines 64-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Bush et al. by the teaching of Ejima in order to make it easy for the user to edit the image displayed on the display.

Regarding claim 4, Bush et al. fail to specifically disclose a touch panel. However, Ejima discloses an information processing apparatus which includes touch tablet 6A (figure 4, column

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4, lines 64-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Bush et al. by the teaching of Ejima in order to make it easy for the user to edit the image displayed on the display.

Regarding claim 5, Bush et al. fail to specifically disclose means for obtaining shooting information of camera corresponding to said image data supplied from said source of image data supply. However, Ejima discloses an information processing apparatus in which date and time (shooting information) of recording image is recorded and displayed with thumbnail 52 (figure 5, column 8, lines 35-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Bush et al. by the teaching of Ejima in order to let the user easier to select an image to reproduce.

Regarding claim 7, Bush et al. disclose said setting means sets the image processing conditions in accordance with a region containing said at least one principal part (page 8, line 15 - page 9, line 8).

Bush et al. fail to specifically disclose a point designating means and extracting means. However, Ejima discloses an information processing apparatus which includes a light pen 46 (point designating means, figure 4, column 4, lines 64-67). In addition, Ejima discloses that a particular individual (Mr. Yamada in figure 9A) is specified and enlarged and displayed on the LCD 6 (extracting means, figure 9B, column 10, lines 9-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the

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device in Bush et al. by the teaching of Ejima in order to make it easy for the user to edit the image displayed on the display.

Regarding claim 9, Bush et al. fail to specifically disclose a point designating means and extracting means. However, Ejima discloses an information processing apparatus which includes a light pen 46 (point designating means, figure 4, column 4, lines 64-67). In addition, Ejima discloses that a particular individual (Mr. Yamada in figure 9A) is specified and enlarged and displayed on the LCD 6 (extracting means, figure 9B, column 10, lines 9-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Bush et al. by the teaching of Ejima in order to make it easy for the user to edit the image displayed on the display.

Regarding claims 13, 15, Bush et al. disclose modifying means that modifies said at least one principal part displayed by said display means (on the basis of the colouring and the brightness of the selected areas of the image on the display device, the operator may adjust the image as required, page 8 line 25 – page 9, line 8). Ejima discloses said display means is of a type that displays at least one of said at least one principal part having one point designated by said point designating means (figure 7); and at least one principal part automatically extracted by the extracting means (Ejima discloses that a particular individual (Mr. Yamada in figure 9A) is specified and enlarged and displayed on the LCD 6, figure 9B, column 10, lines 9-32).

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6. Claims 6, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. (GB 2299478) in view of Hutchinson (US 4,973,149).

Regarding claim 6, Bush et al. fail to specifically disclose wherein said designating means comprises means for inputting a position of at least one point of said image displayed by said display means by an operator's line of vision. However, Hutchinson discloses a system for eye movement detection in which by using eye gaze alone, the system allow the user to select certain tasks from a menu on a screen (figure 1, column 2, lines 24-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Bush et al. by the teaching of Hutchinson in order to permit activation of selecting tasks from a display with the selection being made by eye gaze directed at a set of display driven menus in the form of icons (column 2, lines 54-60). This let the user can work by hand on other task at the same time.

Regarding claim 11, Bush et al. disclose wherein said setting means sets the image processing conditions in accordance with the thus designated at least one region (page 8, line 15 - page 9, line 8). Bush et al. fail to specifically disclose wherein said display means is of a type that displays that it is divided into plurality of regions and said designating is of a type that designates at least one of the thus divided plurality of regions. However, Hutchinson discloses a system for eye movement detection in which includes display 18 (figure 1, column 7, lines 30-34), and by using eye gaze alone, the system allow the user to select certain tasks from a menu on a screen (figure 1, column 2, lines 24-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Bush et al. by



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the teaching of Hutchinson in order to permit activation of selecting tasks from a display with the selection being made by eye gaze directed at a set of display driven menus in the form of icons (column 2, lines 54-60). This let the user can work by hand on other task at the same time.

7. Claims 8, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. (GB 2299478) in view of Nakamura (JP 407074943).

Regarding claim 8, Bush et al. fail to specifically disclose wherein said extracting means automatically extracts a region containing said at least one principal part in view of image continuity in accordance with an information about at least one point in said at least one principal part designated by a point designating means. However, Nakamura discloses an image forming device which includes extracting part 107 which extracts an image area based upon the existence of continuity of the image in the image area (See Constitution). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Bush et al. by the teaching of Nakamura in order to shorten the processing time of the original (Constitution).

Regarding claim 14, Bush et al. disclose modifying means that modifies said at least one principal part displayed by said display means (on the basis of the colouring and the brightness of the selected areas of the image on the display device, the operator may adjust the image as required, page 8 line 25 – page 9, line 8).

Bush et al. fail to specifically disclose the display means is of a type that also display the region of said at least one principal part automatically extracted by said extracting means.

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However, Nakamura discloses an image forming device which includes extracting part 107 which extracts an image area based upon the existence of continuity of the image in the image area (See Constitution). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Shinsky et al. by the teaching of Nakamura in order to shorten the processing time of the original (Constitution).

8. Claims 10, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. (GB 2299478) in view of Ejima (US 6,188,432) further in view of Nakamura (JP 407074943).

Regarding claim 10, Bush et al. fail to specifically disclose wherein extracting means automatically extracts a region containing the thus designated one principal part and a region containing at least one other principal part in view of image continuity based on an information about one point in said one principal part designated by a point designating means. However, Nakamura discloses an image forming device which includes extracting part 107 which extracts an image area based upon the existence of continuity of the image in the image area (See Constitution). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Shinsky et al. by the teaching of Nakamura in order to shorten the processing time of the original (Constitution).

Regarding claim 16, Bush et al. disclose modifying means that modifies said at least one principal part displayed by said display means (on the basis of the colouring and the brightness of the selected areas of the image on the display device, the operator may adjust the image as required, page 8 line 25 – page 9, line 8). Ejima discloses said display means is of a type that

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displays at least one of the regions containing the thus designated one principal part and the region containing at least one other principal part in said plurality of principal parts (figure 7)


***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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6/25/04

  
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